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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,799	11/20/2001	Sheng-Guo Wang		1612

7590 11/07/2005

Dr. Sheng-Guo Wang
2516 Radrick Ln
Charlotte, NC 28262

EXAMINER	
HOFFMANN, JOHN M	

ART UNIT	PAPER NUMBER
1731	

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT	PAPER
51020	

DATE MAILED:

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Commissioner for Patents

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.
A listing of registered patent attorneys and agents is available on the USPTO Internet web site http://www.uspto.gov in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

By Examiner's estimate, Applicant suggests that Examiner has made at least 200 errors in examining the present application. Some newly made errors, and some errors made repeatedly – even as applicant continues to argue them. It is not tenable that the present examiner could make so many errors. Examiner has been a examiner for 15 years and has won various awards for his work as a patent examiner. If Examiner made 200 errors in this application – one could extrapolate he makes 1000 errors a week, and 50,000 errors a year. And over 15 years – 750,0000 errors. Clearly, Examiner would have been fired a long time ago.

In as much as Applicant does not appear to know when Examiner is making mistakes, it would seem likely that Applicant would not know when/if Applicant is making mistake that would effect the value and protection of a resultant patent. As indicated above: "lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution."

The reply filed on 6 September 2005 is Further not fully responsive because it fails to include a complete or accurate record of the substance of the 22 August 2005 interview. Although a paper was received, it was unsigned.
Furthermore:
The reply filed on 6 September 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): because if fails to comply with 37 CFR 1.111 (b) which requires (in part)
"The reply by the applicant or patent
owner must be reduced to a writing which distinctly and specifically points out the
supposed errors in the examiner's action." (See below)

Given the length (at least 120 pages) of the response and the irrelevant issues present in the response, it seems likely that Examiner might overlook applicant's most important arguments. Since the most relevant arguments appear to be buried in the response, it is

deemed that the response does not "distinctly and specifically" point out the errors. Applicant should put the most important arguments first. This way, Examiner will be less likely to miss the important arguments.

37 CFR 1.111 (b) also requires:
The applicant's or
patent owner's reply must appear throughout to be a bona fide attempt to
advance the application or the reexamination proceeding to final action.

The response does not appear to be a bona fide attempt to advance the application to final action. Rather, it appears to merely gainsay everything that is written in the office action as being completely wrong.

Since
the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

37 CFR § 1.111 Reply by applicant or patent owner to a non-final Office action.
(a)
(1) If the Office action after the first examination (§ 1.104) is adverse in any respect, the applicant or patent owner, if he or she persists in his or her application for a patent or reexamination proceeding, must reply and request reconsideration or further examination, with or without amendment. See §§ 1.135 and 1.136 for time for reply to avoid abandonment.
(2) A second (or subsequent) supplemental reply will be entered unless disapproved by the Director. A second (or subsequent) supplemental reply may be disapproved if the second (or subsequent) supplemental reply unduly interferes with an Office action being prepared in response to the previous reply. Factors that will be considered in disapproving a second (or subsequent) supplemental reply include:
(i) The state of preparation of an Office action responsive to the previous reply as of the date of receipt (§ 1.6) of the second (or subsequent) supplemental reply by the Office; and
(ii) The nature of any changes to the specification or claims that would result from entry of the second (or subsequent) supplemental reply.
(b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. The applicant's or patent owner's reply must appear throughout to be a bona fide attempt to advance the application or the reexamination proceeding to final action. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section.
(c) In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections

11-03-05

John Hoffmann
Primary Examiner
Art Unit: 1731